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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Hunter Killer Productions, Inc. et al,)	Case No.: 1:19-cv-00168-LEK-KJM
)	(Copyright)
Plaintiffs,)	
vs.)	PLAINTIFFS' SCHEDULING
)	CONFERENCE STATEMENT;
Qazi Muhammad Zarlish, et al.)	CERTIFICATE OF SERVICE
)	
Defendants.)	SCHEDULING CONFERENCE
)	DATE: 7/11/2019 @ 9:00 AM
)	BEFORE MAGISTRATE JUDGE
)	KENNETH J. MANSFIELD
)	
)	
)	

PLAINTIFFS' SCHEDULING CONFERENCE STATEMENT

Come now Plaintiffs, above-named, and hereby submit their scheduling conference statement pursuant to Rule 16.2 of the Local Rules of Practice for the United States District Court for the District of Hawaii.

I. NATURE OF THE CASE

Plaintiffs are the registered copyright owners of the following motion pictures:

OWNER	MOTION PICTURE	Copyright Certificate Number
Hunter Killer Productions, Inc.	<i>Hunter Killer</i>	PA2136168
LHF Productions, Inc.	<i>London Has Fallen</i>	PA1982831
TBV Productions, LLC	<i>I Feel Pretty</i>	Pau3896491
Venice PI, LLC	<i>Once Upon a Time in Venice</i>	PA2039391
Bodyguard Productions, Inc.	<i>The Hitman's Bodyguard</i>	PAu3844508

The Defendants distribute the BitTorrent protocol software application “Show Box app” and promote it for the infringing purpose of “watching free movies”, including Plaintiffs’ copyright protected Works.

Plaintiffs are suing Defendants for Copyright Infringement, Contributing to Copyright Infringement, Inducement, False Advertising, Unfair Competition and Deceptive Trade Practices. The Complaint [Doc. #1] was filed on April 3, 2019.

II. JURISDICTION AND VENUE

Defendants are individuals and a legal entity (Pebblebridge Technologies, LLP) residing in Pakistan, India and Vietnam. However, Plaintiffs do not anticipate that there will be any meritorious disputes regarding jurisdiction or venue. This

Court has subject matter jurisdiction over this action pursuant to 17 U.S.C. §§ 101, et. seq., (the Copyright Act), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1338 (patents, copyrights, trademarks, and unfair competition) and 28 U.S.C. § 1367 (supplemental jurisdiction). Defendants have committed unlawful and tortious acts both within and outside this jurisdiction with the full knowledge that their acts would cause injury in this jurisdiction. As such, Defendants have sufficient contacts with this judicial district to permit the Court's exercise of personal jurisdiction over each.

In the alternative, the Court has jurisdiction pursuant to Fed. R. Civ. P. 4(k)(2), the so-called federal long-arm statute because most of Plaintiffs' claims arise under federal copyright law and Defendants purposely directed their electronic activity at the United States. Defendants Pebblebridge Technologies falsely advertises that it has an address in New York City. Complaint [Doc. #1] at ¶47. Defendants Pebblebridge Technologies and Vishnudath Reddy Mangilpudi used a fake name "Cheri E. Carlson" and a fake address in Sioux Falls, South Dakota to register the domains showbox.fun and show-box.pro with the US Registrar Namecheap. Defendants used United States Domain Registrars Namecheap, Namesilo and GoDaddy to register the domains. Defendants used United States Internet hosting provider Digital Ocean and Choopa to host their websites and carry out their illegal activities.

Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) - (c) because: (a) all or a substantial part of the events or omissions giving rise to the claims occurred in this District; and (c)(3) any of the Defendants not a resident of the United States may be sued in this District.

III. DEMAND FOR JURY TRIAL

Plaintiffs demanded a jury trial in the Complaint.

IV. INITIAL DISCLOSURES

Defendants have refused Plaintiffs' counsel's multiple attempts to have a Rule 26 conference. Plaintiffs will submit their initial disclosures to Defendants after the respective Rule 26 conferences if the Defendants do not default.

V. DISCOVERY AND MOTIONS

On June 14, 2019, Plaintiffs filed a motion to serve Defendant Hoan Pham by alternative means. [Doc. #21].

Plaintiffs have not yet, but may in the future, file dispositive motions.

VI. SPECIAL PROCEDURES

As explained below, Plaintiffs request that the scheduling conference be postponed or continued for two months at which time Plaintiffs can advise the Court on the progress of serving the Defendants.

In the event that Defendants default, Plaintiffs request to be permitted to submit a first Motion for Default Judgment asserting liability, and then submit a second Motion for Damages if the Court accepts the first motion. That is, Plaintiffs request to separate the issue of liability and damages.

VII. RELATED CASES

In the civil action 1:18-cv-00192-LEK-RT some of the same Plaintiffs in this case are asserting intentional inducement, contributory infringement and direct infringement of their motion pictures based upon the BitTorrent protocol application Show Box against different Defendants. Accordingly, Plaintiffs are indicating this case as a related case.

VIII. ADDITIONAL MATTERS

Defendant Qazi Muhammad Zarlish provided a waiver of service dated April 23, 2019 giving him until July 3, 2019 to answer the Complaint [Doc. #12]. Defendant Qazi Muhammad Zarlish has not answered the Complaint nor appeared. It appears that he intends to default.

Plaintiffs' counsel sent the Complaint, Summons and Scheduling Order to the Central Authority of India to effect service of Defendants Pebblebridge Technologies, LLP and Vishnudath Reddy Mangilpudi on April 8, 2019. Plaintiffs' counsel received an email from Defendant Vishnudath Reddy Mangilpudi on June 5, 2019 in which he stated he "...just got a copy of this court

complaint.” However, Plaintiffs’ counsel has not yet received the certificates from the Central Authority of India. Nonetheless, more than 21 days have passed since Defendant Vishnudath Reddy Mangilpudi stated he received the Complaint.

Accordingly, it appears that he intends to default.

Defendant Nghi Phan Nhat was served by foreign mailing on June 5, 2019. Defendant Nghi Phan Nhat exchanged multiple emails with Plaintiffs’ counsel on June 14-16, 2019. Nonetheless, more than 21 days and Defendant Nghi Phan Nhat has not answered the Complaint nor appeared. It appears that he intends to default.

Accordingly, Plaintiffs request that the scheduling conference be postponed or continued for two months until September 11, 2019 at which time Plaintiffs can advise the Court on the progress of serving the Defendants. If all Defendants have defaulted, a scheduling conference will be unnecessary.

DATED: Kailua-Kona, Hawaii, July 3, 2019.

CULPEPPER IP, LLC

/s/ Kerry S. Culpepper
Kerry S. Culpepper

Attorney for Plaintiffs